

06/30/98
JC494 U.S. PTO

PATENT
Docket No. TRAC-100FWC CON

09/107643
JC542 U.S. PTO
06/30/98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>Prior Application:</p> <p>Examiner: <u>R. Clark</u></p> <p>Art Unit: <u>3308</u></p>	<p>I hereby certify that this 37 CFR 1.60 request and the documents referred to as attached therein are being deposited with the United States Postal Service on <u>JUNE 30, 1998</u> in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Mailing Label Number <u>EL140312275US</u> addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231</p> <p><u>Garry Wallace</u> name of person signing</p> <p><u>Garry Wallace</u> signature</p>
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BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL OF FILING UNDER 37 CFR 1.60(b)

1. This is a request for filing a

☐ Divisional

☒ Continuation

application under 37 CFR 1.60 of pending prior application Serial No. 08/092,540 filed on July 16, 1993 of Rhonda Tracy for Disposable Diaper With Padded Waistband And Padded Legholes which is a continuation of serial no. 07/790,469 filed on November 12, 1991.

2. True Copy of Original Prior Application Papers Attached.

I hereby verify that the attached papers are a true copy of the above-identified prior application, including the oath or declaration originally filed (37 CFR 1.60).

3. Amendments

☐ Cancel in this application original claims _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☒ Please enter the enclosed Preliminary Amendment (prior to calculating the filing fee)

4. Information Disclosure Statement

☒ An Information Disclosure Statement is enclosed herewith.

5. Fee Calculation (claims pending after entry of any amendments above)

☒ A verified statement of small entity status:

☒ has been filed in the grandparent application and such status is still proper and desired

☐ is attached

☐ Other than small entity

For	Number Filed	Number Extra	Rate sm/lg ent.	Fee
Total Claims	1	-20 =0	x \$11/22	\$ -0-
Independent Claims	1	- 3 = 0	x \$41/82	\$ -0-
Multiple Dependent Claims	no		\$270/135	\$ -0-
Basic Fee (minimum amount required)			\$395/790	\$395
Assignment			\$40	\$0
Total Filing Fee				\$395

6. Fee Payment

☒ A check in the amount of \$ 395.00 is enclosed

☐ Please charge deposit account 03-3135 in the amount of ____.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 03-3135. A duplicate copy of this sheet is enclosed.

7. Drawings

☒ New formal drawings are enclosed.

☐ Informal drawings are enclosed.

8. Foreign Priority

☐ Priority of application serial no. _____ filed on _____ in _____ is claimed under 35 U.S.C. 119.

☐ The certified copies has been filed in prior U.S. application Serial No. _____.

☐ The certified copy will follow.

9. Relate Back -- 35 U.S.C. 120

☒ Please amend the specification by inserting before the first line the sentence:

--This application is a continuation of co-pending application Serial No. 08/092,540 filed on July 16, 1993 which is a continuation of serial no. 07/790,469 filed on November 12, 1991.--

10. Inventorship

With respect to the prior copending U.S. application from which this application claims benefit under 35 USC 120 the inventor(s) in this application is (are):

☒ the same

☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

11. Assignment

☐ The prior application is assigned of record to _____.

☐ An assignment of the invention to _____ is attached (with cover sheet) for recording..

12. Maintenance of Copendency of Prior Application

☐ A petition, fee and response has been filed to extend the term in the pending prior application until ____ or

☐ A conditional petition for extension of time is being filed in the pending parent application (copy enclosed).

13. Power of Attorney

☒ The power of attorney in the prior application is to: Edward D. Manzo,
registration no. 28,139

☒ The power appears in the original papers in the prior application.

☐ Since the power does not appear in the original papers, a copy of the
power in the prior application is enclosed.

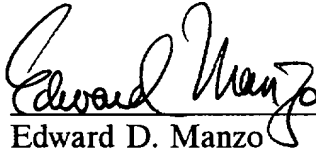
☒ Address all future communications to:

Edward D. Manzo
Cook, McFarron & Manzo, Ltd.
200 West Adams St., Ste. 2850
Chicago, IL 60606

Respectfully submitted,

Date:

June 29, 1998



Edward D. Manzo
Registration no. 28,139

COOK, MCFARRON & MANZO, LTD.
200 West Adams Street
Suite 2850
Chicago, Illinois 60606
(312) 236-8500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

EL1403/

In Re Application of

RHONDA TRACY

Serial No.:

Filed: Herewith

For: DISPOSABLE DIAPER WITH
PADDED WAISTBAND
AND PADDED LEGHOLES

"Express Mail" Mailing Label No. 727545

Date of Deposit JUNE 30, 1998

I hereby certify that this paper or fee is being
described with the United States Postal Service
"Express Mail Post Office to Post Office" service
under 37 CFR 1.10 on the date indicated above
and is addressed to the Assistant Commissioner
for Patents, Washington, D.C. 20231.

Name Ging Wallace
(typed or printed)

Signature Ging Wallace
June 29, 1998

Assistant Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Dear Sir:

In the Claims:

Cancel claims 1-6

please add the following new claims:

- 1 -- 7. A disposable diaper comprising:
- 2 a body portion having two enlarged end portions and a narrowed intermediate portion
- 3 therebetween, the body portion being shaped so that said diaper may extend about a waist and
- 4 crotch of a wearer and have an inside and an outside with respect to the wearer;
- 5 each end portion having a respective waistband portion at an edge thereof so that when
- 6 the diaper is worn, the waistband portions gird the waist of the wearer:
- 7 at least two body-portion layers including a layer of liquid-absorbent material and a
- 8 plastic layer having an edge at the edge of the diaper;
- 9 a soft padding member located along at least one of said waistband portions, being
- 10 adjacent to said plastic layer edge, the soft padding member being distinct from all of said body-

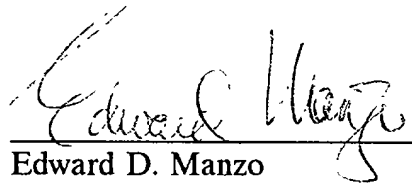
11 portion layer, the soft padding member including a material formed from a soft substance so that
12 the soft substance is located between the diaper wearer and the plastic layer edge, so that the
13 diaper presents a soft surface at said inside of the diaper waistband portion despite said plastic
layer edge.--

Remarks

New claim 7 is based on claim 26 in the parent case, referenced and quoted by the Board in its decision of September 29, 1998, reversing the art rejections. New claim 7 has been slightly modified in the last element of the claim with respect to the soft padding member. Claim 7 now claims that the soft padding member is located between the diaper wearer and the plastic layer edge. In view of the small differences, a terminal disclaimer can be provided to overcome any obviousness type double patenting rejection. No same invention rejection should be made because the prior claim 26 did not specify the invention in these same words.

Respectfully submitted,

Dated: June 29, 1998



Edward D. Manzo
Attorney of record
Registration no. 28,139

Cook, McFarron & Manzo, Ltd.
200 West Adams Street
Suite 2850
Chicago, IL 60606
312-236-8500

EL1403

"Express Mail" Mailing Label No. 122545

Date of Deposit JUNE 30, 1998

DISPOSABLE DIAPER WITH PADDED WAISTBAND AND LEGHOLES

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" Post Office to "Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Background of the Invention

Name Gary Wallace
(typed or printed)

Signature Gary Wallace

Field of the Invention

This is a continuation-in-part of my copending application, S.N. 093,681, September 8, 1987.

This invention relates in general to a disposable diaper and more specifically, to a disposable diaper having a padded waistband and legholes.

Description of the Prior Art

Disposable diapers have largely replaced the common cloth diaper to be worn by infants and toddlers. Disposable diapers not only can be easily discarded, but are adjustable and convenient to attach and remove. Known diapers of the disposable variety are typically capable of effective retention of liquid and solid material without having to resort to protective covers as was required by cloth diapers. Although known disposable diaper designs are generally satisfactory, several problems haven arisen in their use. The waist band and border around the legholes of prior art disposable diapers are commonly an unprotected plastic band and the like. Such bands are uncomfortable when worn and often such material is stiff, and scratches and abrades an infant's skin. In addition, known waist bands and leg bands in disposable diapers do not provide an optimum barrier against leakage and seepage, which is so desirable. --

09107643-053088

Summary of the Invention

It is therefore an objective of the invention to provide a disposable diaper having padded waist and leg areas. The padding as herein disclosed covers the the plastic waistline band from inside to outside of the diaper when worn by the baby. The padding may be in the form of strips of soft pliable material, such as cotton and the like, and extends substantially around the waist. The soft padding protects the infant and toddler from scratches, irritations, and abrasions commonly inflicted by known diaper designs. The strip of padding further performs the added function of inhibiting leakage from within the diaper. The protection provided by the padding not only exists within the waist line portion of the diaper, but is also present at the top and outside of the diaper where the skin may overlap when worn.

The disposable diaper herein disclosed further includes strips of soft material, such as cotton and the like, at the edge portions of the diaper that surround the legs of the wearer to accomplish similar functions as the padding at the waist areas.

Brief Description of the Drawings

Fig. 1 is a perspective view, with parts of the waistline padding removed, of the disposable diaper of the invention.

Fig. 2 is a rear plan view showing the inside of the diaper of Fig. 1 in a flat configuration;

Fig. 3 is a partial end view, with parts in section,

showing the portion of the diaper forming the legholes in the configuration of Fig. 1.

Fig. 4 is an end view, with parts in section, showing the edge portions of the diaper forming the waist band areas.

Description of the Preferred Embodiment

Referring now to Figs. 1-4, there is illustrated the disposable diaper with padded waistline and legholes of the invention, generally designated by reference numeral 2. In its closed configuration as it is worn in the form of Fig. 1, the diaper 2 is formed with a typical front section 4, a back section 6, a crotch area 8, and a top portion 10 forming an adjustable waistline construction. Leg holes 12 are defined by edge portions 14 of disposable diaper 2. The diaper 2 is formed in multiple superimposed sheets of material in front section 4, back section 6 and crotch area 8, including an outer liquid impervious outer sheet 16a and an inner liquid permeable sheet 16b as is well known. One or more layers 18 (Figs. 3 and 4) of a liquid absorbent material, such as cotton, pulp and the like, is imposed between the outer sheet 16a and the inner sheet 16b as is conventional. The thickness of inner material 18 may be thickened in the crotch area 8 and elsewhere for greater liquid absorption.

The diaper 2 in its flat configuration as shown in Fig. 2 is formed as a single body 20 having enlarged end portions 22 which terminate at edges 24 that form the top waist band portion 10 shown in Fig. 1. The intermediate section 26 of body 20 includes tapered edges 28 and a central section

having opposed edges 32 that form the edge portions 14 of the leg holes 12. A pair of plastic adhesive strips 34 and the like having a detachable free end 36 are affixed on one enlarged end portion 22 of the body 20 to permit the diaper 2 to be adjustably affixed to the opposite end portion 22 to secure the diaper to the infant as in the configuration shown in Fig. 1.

Referring now to Figs. 1, 2, and 4, the waistline portion 10 is formed by border sections 40, 42 of the inner and outer sheets 16a and 16b which are affixed together. The border sections 40, 42 are fabricated from a plastic material or similar material. A outer strip 50 of soft material in the form of a strip of cotton or other non-abrasive material is bent lengthwise over the border sections 40, 42 of a plastic material and the like located on each of the enlarged sections 22 in Fig. 2 in affixed relationship by an suitable technique of attachment. The strip 50 forms surfaces 50a, 50b, and 50c that are respectively positioned from inside to outside of the diaper 2 so as to provide a soft cushion or pad substantially over the exposed surfaces of border sections 40, 42 to protect the skin of the infant or toddler and provide an additional absorbent barrier to alleviate leakage. The strip 50 may be formed as a pair of strips to generally extend 360 degrees at the waist in the configuration of Fig. 1 (one of the strips 50 being cut away in Fig. 1 for illustrative purposes).

Referring again to Figs. 1, 2, and 4, the edge portions 12 for leg holes 14 are similarly constructed as the waist

band as previously described. The plastic borders 60,62 are affixed together (Fig. 3) and are covered in affixed relationship by strips 64, 66 of a soft material, such as cotton, to cover the exposed surfaces of borders 60,62 to serve the same function at leg holes 14 as soft strips 50 at the waist band.

What is claimed is:

1. A disposable diaper comprising

body means being formed as a single piece having two enlarged opposed portions and an intermediate portion disposed between said end portions, said body means being arranged to be worn by an individual,

waist band means being formed on opposite edge portions of the opposed end portions,

attachment means affixed to one of said opposed end portions and having members to be affixed to the other of said opposed end portions, said waist band means forming a substantially continuous waist band to be positioned generally around the waist of the individual,

said waist band means including external padding means extending along said opposite edge portions for generally covering the exposed surfaces of said waist band means, said padding means extending substantially the extent of said waist band means when worn by the individual.

2. The disposable diaper according to Claim 1 wherein said padding means includes strips of material formed from a soft substance, said strips of material being arranged over said waist band means.

3. The disposable ^{diaper} ~~diaper~~ according to Claim 2 wherein said strips of material are folded lengthwise over said opposite edge portions of said opposite end portions.

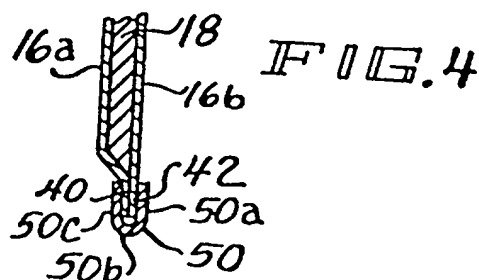
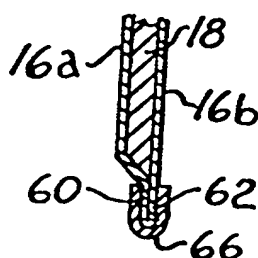
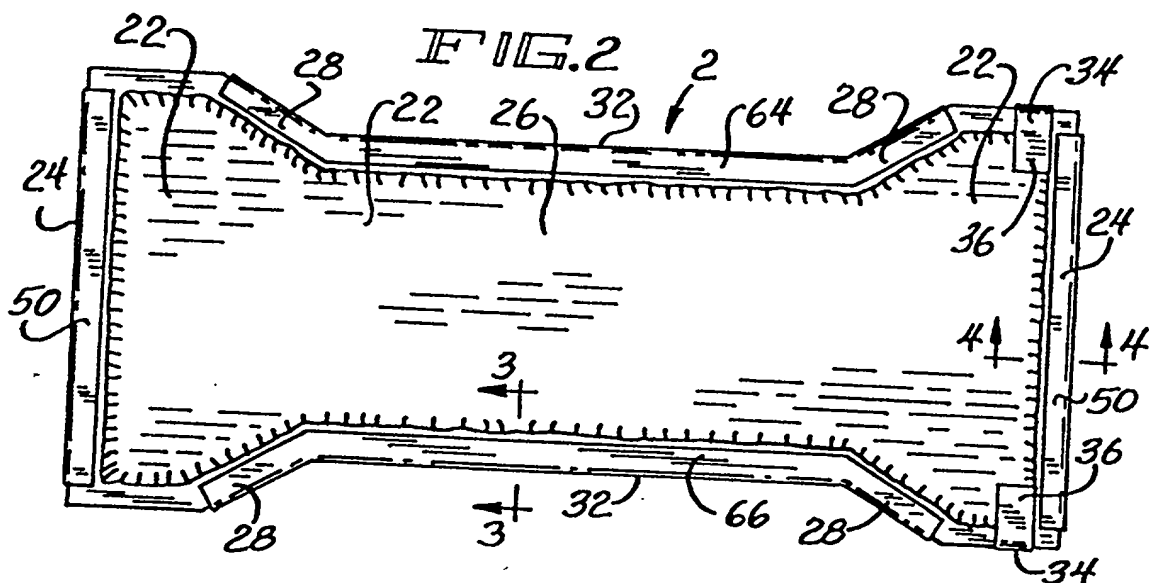
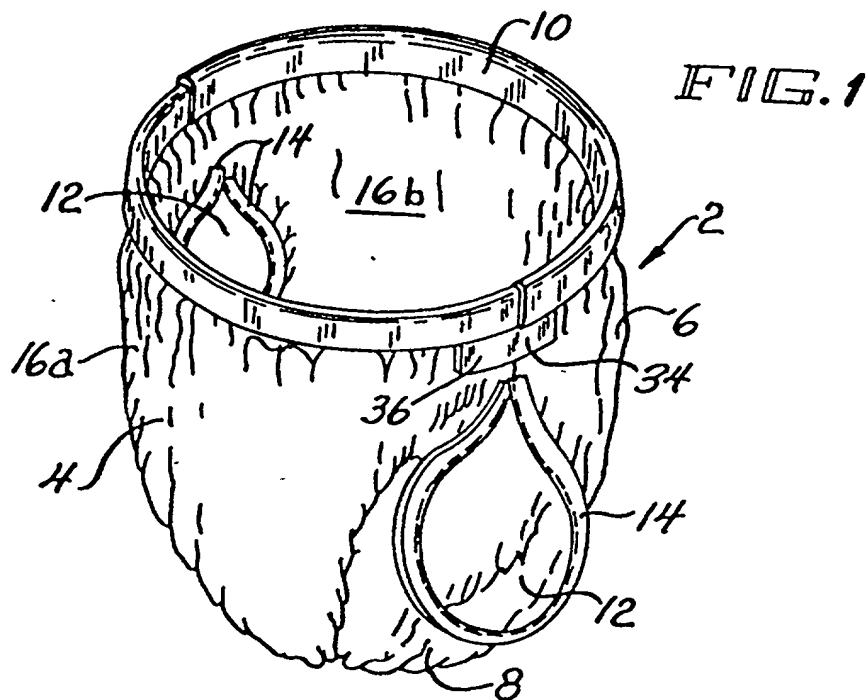
4. The disposable diaper according to Claim 2 wherein said intermediate portion includes opposite edge sections defining leg holes when said body means is worn, second padding means being provided over said edge portions of said intermediate portions to provide soft material in contact with the individual.

5. The disposable diaper of Claim 4 wherein said second padding means is at least one soft strip of material affixed to each of said opposite ^{edge} edge portions of said edge sections of said intermediate portion.

6. The disposable diaper of Claim 5 wherein said at least one strip of material is lengthwise bent over each of said opposite edge sections.

Abstract of the Disclosure

A disposable diaper having a front section, rear section, crotch portion, and a waist band. A soft padding is provided on the waist band. Padding is also provided on the edge portions surrounding the leg holes.



Ed Gilhooly
utility

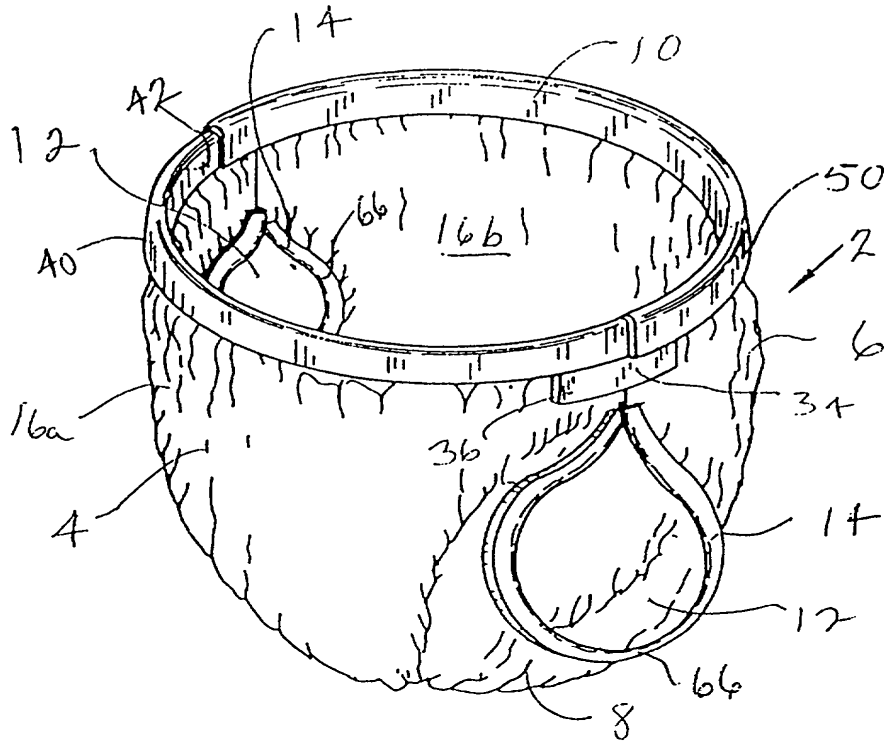
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FIG. 1

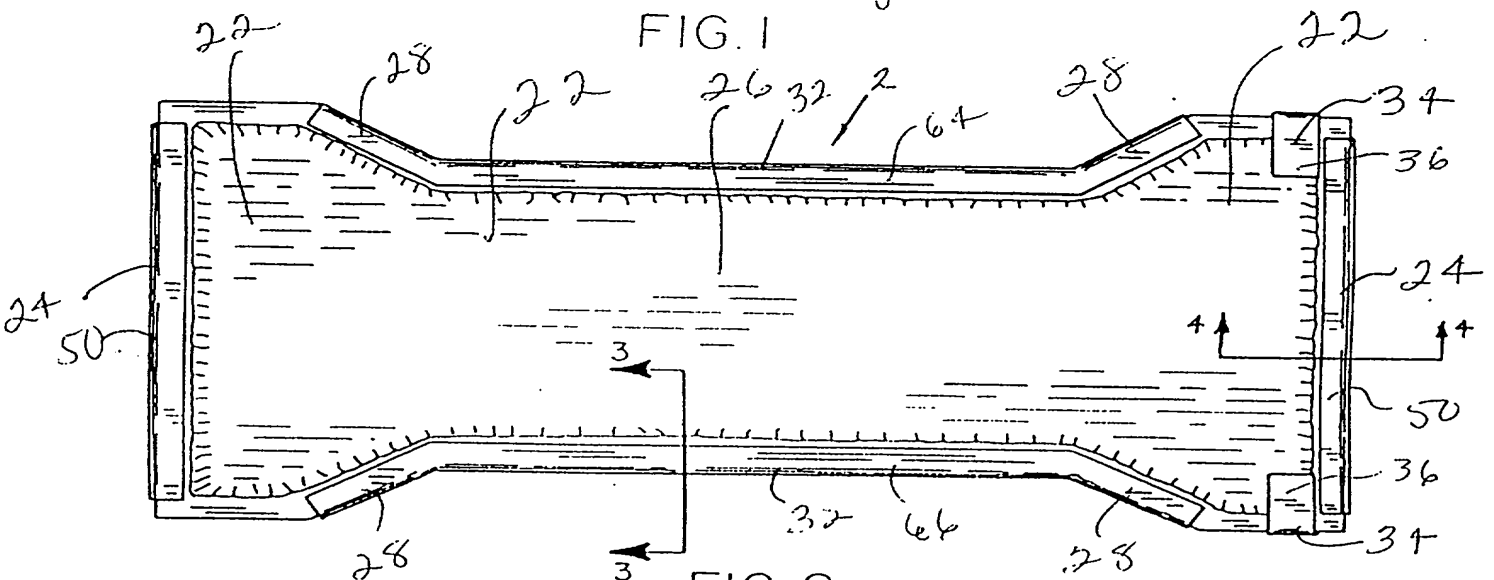


FIG. 2

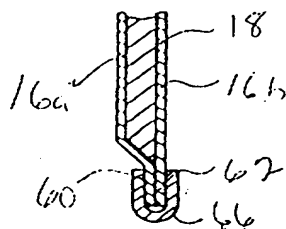


FIG. 3

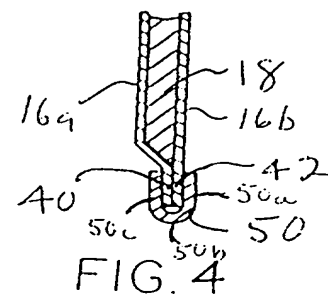


FIG. 4

COMBINED DECLARATION AND POWER OF ATTORNEY
(ORIGINAL, DESIGN, NATIONAL, STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

☒ original

☐ design

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check any of next two items and check appropriate one of last three items.

☐ national stage of PCT

☐ supplemental

NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

☐ divisional

☐ continuation

☒ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

Disposable Diaper With Padded Waistband and Leg Holes

SPECIFICATION IDENTIFICATION

the specification of which: (complete (a), (b) or (c))

(a) ☒ is attached hereto.

(b) ☐ was filed on _____ as ☐ Serial No. _____
or ☐ Express Mail No., as Serial No. not yet known _____
and was amended on _____ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

(c) ☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ (if any).

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

☐ In compliance with this duty there is attached an information disclosure statement. 37 CFR 1.97.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d) ☒ no such applications have been filed.

(e) ☐ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

COUNTRY	APPLICATION NUMBER	DATE OF FILING (month, day, year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

None

ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY
FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION

(complete this part only if this is a divisional, continuation or CIP application)

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120:					
U.S. APPLICATIONS			Status (Check one)		
U.S. APPLICATIONS	U.S. FILING DATE		Patented	Pending	Abandoned
1. 093,681	9/8/87			X	
2. _____	_____				
3. _____	_____				
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NOS. ASSIGNED (if any)			
4. _____	_____	_____			
5. _____	_____	_____			
6. _____	_____	_____			

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

Edward D. Gilhooly Reg. No. 25,004

(312) 726-5342

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:
(Name and telephone number)

Edward D. Gilhooly, Ltd.
20 North Wacker Drive, Suite 1925
Chicago, Illinois 60606

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Full name of sole or first inventor Rhonda Tracy

Inventor's signature Rhonda Tracy

Date 4-26-90 Country of Citizenship USA

Residence 233 Grandview, Glen Ellyn, IL 60137

Post Office Address Same as above

Full name of second joint inventor, if any _____

Inventor's signature _____

Date _____ Country of Citizenship _____

Residence _____

Post Office Address _____

CHECK PROPER BOX(ES) IF ANY OF THE FOLLOWING ADDED PAGE(S) FORM A PART OF THIS DECLARATION

- ☐ Signature for third and subsequent joint inventors. *Number of pages added* _____.
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. *Number of pages added* _____.
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. *Number of pages added* _____.

...

- ☒ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.

☐ Number of pages added 1

...

If no further pages form a part of this Declaration then end this Declaration with this page and check the following item

- ☒ This declaration ends with this page

Attorney Docket no: TRAC-100FWC CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RHONDA TRACY,

Serial No.:

Filed: Herewith

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PADDED LEGHOLES

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for Patents, Washington, D.C. 20231.

Name Ging Wallace
(typed or printed)

Signature Ging Wallace

May 22, 1998

Assistant Commissioner for Patents
Washington, D.C. 20231

APPOINTMENT OF ASSOCIATED ATTORNEYS

Sir:

Please recognize the following as my associate attorneys in the above-captioned
application:

Granger Cook, Jr.	Reg. No. 18,283
Gary W. McFarron	Reg. No. 27,357
Stephen B. Heller	Reg. No. 30,181
Andrew G. Kolomayets	Reg. No. 33,723
Mark J. Murphy	Reg. No. 34,225
John R. Lagowski	Reg. No. P41,922

Respectfully submitted,

Edward D. Manzo
Edward D. Manzo
Registration no: 28,139

Dated: May 22, 1998

COOK, McFARRON & MANZO, LTD.
200 W. Adams Street
Suite 2850
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